
**State Government & Tribal Affairs
Committee**

HB 1175

Brief Description: Improving state government ethics and integrity.

Sponsors: Representatives Miloscia, Chase, Hasegawa, Williams, Green and Simpson.

Brief Summary of Bill

- Specifies new responsibilities for the Legislative Ethics Board, the Executive Ethics Board, state agency heads, and the Governor.
- Creates the Governor's Integrity and Ethics Award Program.
- Requires ethics and integrity training for all state officers and employees.
- Requires the Joint Legislative Audit and Review Committee (JLARC) to audit the Legislative Ethics Board and the Legislature's ethics and integrity programs.
- Requires the State Auditor to audit the Executive Ethics Board.

Hearing Date: 2/10/09

Staff: Sara del Moral (786-7291)

Background:

In 1993 the Legislature created the Commission on Ethics in Government and Campaign Practices (Commission). The Commission issued a report which, among other things, recommended the enactment of new ethics rules governing state officials and state employees. Its major recommendations in the ethics area were that new or revised ethics rules should be adopted; the new rules, and provisions for enforcing them, should be consolidated into a single code of ethics; the new code should apply to all state officials and employees of all branches of state government; and each branch should have its own ethics commission which would hear and determine complaints, impose sanctions, recommend disciplinary action, and issue advisory opinions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In response to this report, the Legislature enacted legislation to establish the Legislative Ethics Board (LEB) and the Executive Ethics Board (EEB) in 1994.

The Legislative Ethics Board.

The LEB is composed of four legislators and five citizen members. The LEB is charged with enforcing laws relating to ethics in public service with respect to members and employees of the legislature.

The LEB has a number of duties. Examples include:

- developing ethics trainings for legislators and legislative staff;
- issuing advisory opinions; and
- investigating complaints.

The Executive Ethics Board.

In several regards, the EEB is similar to the LEB. It is likewise charged with enforcing laws relating to ethics in public service. However, its jurisdiction is confined to the executive branch, boards and commissions, and institutions of higher education. It is composed of five members, appointed by the Governor. Its specific duties are analogous to those of the LEB.

Summary of Bill:

A number of provisions are added to state law regarding ethics in public service.

The Legislative Ethics Board.

The LEB must:

- develop a legislative plan to provide overall direction and accountability for legislators and staff;
- coordinate and work with the EEB and the Commission on Judicial Conduct (CJC);
- assess and evaluate the House of Representatives' and the Senate's ethical culture through employee and stakeholder surveys and publish an annual report on the results; and
- solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the Public Disclosure Commission (PDC), and other entities.

The Executive Ethics Board.

The EEB's new duties are similar to those of the LEB. The EEB must:

- provide educational materials and training, in addition to developing them.
- develop a statewide plan to provide overall direction and accountability in all executive branch agencies and statewide elected offices;
- coordinate and work with the CJC and the LEB;
- assess and evaluate each agency's ethical culture through employee and stakeholder surveys and publish an annual report on the results; and
- solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the PDC, or other entities.

The Governor's Integrity and Ethics Award Program.

The EEB must create the Governor's Integrity and Ethics Award Program to recognize local governments, private sector businesses, educational institutions, and nonprofit organizations with the best ethics and integrity programs on an annual basis.

Ethics and Integrity Training.

All state officers and employees must annually attend an ethics and integrity training. A person failing to fulfill this obligation forfeits all compensation related to his or her office or employment.

State Agencies Ethics Plans.

Each state agency head must create an independent advisory committee composed of employees and citizens. Each state agency head must also develop an ethics and integrity plan for the leadership and staff of the agency. The plan must be updated annually and be publicly available. It must also:

- include project management, targets, and timelines;
- integrate with other accountability, ethics, and integrity programs;
- identify national and international best practices and superior results;
- identify opportunities for improvement and barriers to success;
- develop public-private partnerships where appropriate; and
- provide an annual report to the Legislature.

Government Accountability and Performance Review.

The Governor must perform a government accountability and performance review on a quarterly basis.

Auditing Responsibilities.

Every four years, beginning January 1, 2010, the Joint Legislative Audit and Review Committee must audit the LEB and the Legislature's Ethics and Integrity Programs.

Every four years, beginning January 1, 2010, the State Auditor must audit the EEB.

Appropriation: None.

Fiscal Note: Requested on February 6, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.